

REMARKS

Claims 1 and 3-18 are pending. Claims 8, 9, 11 and 12 have been withdrawn from consideration as being drawn to a non-elected invention. By this amendment, claim 2 has been cancelled without prejudice or disclaimer and the specification and claim 1 is amended. Reconsideration and allowance in view of the above amendments and following remarks are respectfully requested.

MPEP §808 states: Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why each invention *as claimed* is either independent or distinct from the other(s); and (B) the reasons why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons for insisting upon restriction therebetween as set forth in the following sections.

MPEP §808.02 states: Where the inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:

(A) **Separate classification thereof:** This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) **A separate status in the art when they are classifiable together:** Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show a recognition of separate inventive effort by inventors. Separate status in the art may be shown by

citing patents which are evidence of such separate status, and also of a separate field of search.

(C) **A different field of search:** Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

It is respectfully submitted that the Office Action has not established that a serious burden exists to search and examine the entire application, as required by MPEP §§ 808 and 808.02 discussed above. Although the Office Action states that the "differing embodiments would require several different searches," it is respectfully noted that the Office Action does not contain any explanation of separate classification, separate status, or different fields of search.

Reconsideration and withdrawal of the restriction requirement are respectfully requested. Furthermore, since claim 1 is now allowable, the Examiner should consider claims 8, 9, 11, and 12 since they depend from claim 1.

Claim 13 was objected to. The objection is respectfully traversed.

Claim 13 recites a method for manufacturing a floor of rectangular, mechanically locked floorboards. The floor is manufactured by assembling the floorboards in the manner described in the claim. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

Claims 7 and 10 were rejected under 35 U.S.C. §112, 2nd paragraph. The rejection is respectfully traversed.

The term "locking angle" is not a relative term, especially as now used in amended claim 7. Claim 10 recites the cooperating locking surfaces of the floorboards on the long side and the short side have a locking angle which is essentially perpendicular to the surface of the floorboards. The language of claim 10 is clear, especially when read in view of the specification. There is no requirement that the claim define the term "locking angle" as stated in the Office Action. MPEP § 2173.05(a)I. states: The meaning of every term used in a claim should be apparent from the prior art or from the specification and drawings at the time the application is filed. (Underlining emphasis added.) The term "locking angle" is clearly defined, for example, in paragraph [0006], and shown, for example, in Figure 2 by reference LA.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §112, 2nd paragraph are respectfully requested.

Claims 1, 3-5, 7, 17 and 18 were rejected under 35 U.S.C. §102(e) over Pervan et al. (U.S. Patent Application Publication 2003/0101674 A1) and claims 13-16 were rejected under 35 U.S.C. §103(a) over Pervan et al. The rejections are respectfully traversed.

Applicant appreciates the indication that claim 2 defines patentable subject matter. The subject matter of claim 2 has been incorporated into claim 1. Accordingly, claims 1 and 3 – 5, and 7 are allowable.

It is respectfully noted that claim 17 recites, *inter alia*, that the short sides have pairs of opposing connectors which allow locking-together of similar, adjoining

floorboards *only* horizontally, which is not disclosed or suggested by Pervan et al.

Note the allowability of claim 2.

Claim 18 recites, *inter alia*, that the system comprises floorboards joinable in a herringbone pattern, wherein joining and disconnecting is achievable by an angular motion. See paragraph [0050] of the present application for a relevant discussion of a preferred embodiment. However, the invention is not limited to the preferred embodiment. In contrast, Pervan teaches that to make the herringbone pattern, G3 is snapped in to G2. See paragraph [0049]. Accordingly, Pervan does not anticipate claim 18.

With regard to claim 18 and claims 13 – 16, applicants submit that Pervan is not an appropriate reference because of 35 USC 103(c). Both the present application and Pervan are assigned to the same entity.

Reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a) over Pervan et al. are respectfully requested.

In view of the above amendments and remarks, applicant respectfully submits that all of the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is necessary to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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